

§ 198.1

damage prevention enforcement programs?

198.57 What is the process PHMSA will use to notify a State that its damage prevention enforcement program appears to be inadequate?

198.59 How may a State respond to a notice of inadequacy?

198.61 How is a State notified of PHMSA's final decision?

198.63 How may a State with an inadequate damage prevention enforcement program seek reconsideration by PHMSA?

AUTHORITY: 49 U.S.C. 60105, 60106, 60114; and 49 CFR 1.53.

EFFECTIVE DATE NOTE: At 80 FR 43868, July 23, 2015, the authority citation for Part 198 was revised, effective Jan. 1, 2016. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 49 U.S.C. 60101 *et seq.*; 49 CFR 1.97.

SOURCE: 55 FR 38691, Sept. 20, 1990, unless otherwise noted.

Subpart A—General

§ 198.1 Scope.

This part prescribes regulations governing grants-in-aid for State pipeline safety compliance programs.

§ 198.3 Definitions.

As used in this part:

Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

Adopt means establish under State law by statute, regulation, license, certification, order, or any combination of these legal means.

Excavation activity means an excavation activity defined in §192.614(a) of this chapter, other than a specific activity the State determines would not be expected to cause physical damage to underground facilities.

Excavator means any person intending to engage in an excavation activity.

One-call notification system means a communication system that qualifies under this part and the one-call damage prevention program of the State concerned in which an operational center receives notices from excavators of intended excavation activities and transmits the notices to operators of underground pipeline facilities and

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other underground facilities that participate in the system.

Person means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

Underground pipeline facilities means buried pipeline facilities used in the transportation of gas or hazardous liquid subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*).

Secretary means the Secretary of Transportation or any person to whom the Secretary of Transportation has delegated authority in the matter concerned.

Seeking to adopt means actively and effectively proceeding toward adoption.

State means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

[55 FR 38691, Sept. 20, 1990, as amended by Amdt. 198–2, 61 FR 18518, Apr. 26, 1996; 68 FR 11750, Mar. 12, 2003; 70 FR 11140, Mar. 8, 2005]

Subpart B—Grant Allocation

SOURCE: Amdt. 198–1, 58 FR 10988, Feb. 23, 1993, unless otherwise noted.

§ 198.11 Grant authority.

The pipeline safety laws (49 U.S.C. 60101 *et seq.*) authorize the Administrator to pay out funds appropriated or otherwise make available up to 80 percent of the cost of the personnel, equipment, and activities reasonably required for each state agency to carry out a safety program for intrastate pipeline facilities under a certification or agreement with the Administrator or to act as an agent of the Administrator with respect to interstate pipeline facilities.

[Amdt. 198–5, 74 FR 62506, Nov. 30, 2009]

§ 198.13 Grant allocation formula.

(a) Beginning in calendar year 1993, the Administrator places increasing emphasis on program performance in allocating state agency funds under §198.11. The maximum percent of each state agency allocation that is based